

§ 426.10 Information requirements.

(a) *In general.* Districts, qualified recipients, limited recipients, prior law recipients and natural persons or legal entities operating irrigation land under an agreement described in § 426.7(a)(1)(i) shall provide the Secretary upon request in a form suitable to the Secretary such records and information as the Secretary may deem reasonably necessary to implement Pub. L. 97-293 and Federal Reclamation law.

(b) *Certification.* Landowners and lessees within a district which has a contract that conforms to all provisions of Title II shall furnish the district, in a form provided by the Bureau of Reclamation, a certificate declaring the irrigable and irrigation land that they own and lease and providing other information pertinent to their compliance with Reclamation law.

(1) *Irrevocable electors.* Landowners or lessees who, in the absence of a district amending its contract, have made an irrevocable election to be subject to Title II must also certify through the nonamending district that they are in compliance.

(c) *Reporting.* Prior law landowners and lessees must report through the district the irrigable and irrigation land in their ownership and the extent and conditions of any leases. They must declare the irrigation land that they own and lease and provide other information pertinent to their compliance with Reclamation law. The reporting form will be provided to the district by the Bureau of Reclamation.

(d) *Certification and reporting form data requirements.* (1) Certification and reporting forms will require a full disclosure of irrigable and irrigation land owned and leased in all districts; the identification of the operator or operators of that land; the number of acres leased; the terms of any lease; and in the case of the certification forms, certification that the rent paid reflects the reasonable value of the irrigation water to the productivity of the land. The Secretary may require the parties to any lease to submit to him or her a complete copy of the leases.

(2) If requested by the Secretary, all members of a qualified recipient must be identified. Similarly, a limited recipient can be required to identify only

those participants or shareholders who: (i) Own more than 4 percent of the limited recipient and (ii) such ownership interest would constitute an attribution of ownership to such participant or shareholder of more than 40 acres.

(e) *Schedule for completing certification and reporting forms.* Certification and reporting forms will be required annually as a condition for the receipt of irrigation water except as provided in paragraphs (f) and (g) of this section. If a landholder's ownership or leasing arrangements change in some way, the landholder shall notify the district office, either verbally or in writing, within 15 days of the change and submit new certification or reporting forms within 30 days of the change.

(f) *Short form availability.* If no change has occurred in a land ownership or leasing arrangement between annual certification and reporting dates, a short verification form will be available for completion to satisfy the certification or reporting requirement. This form will make it possible for the landowner or lessee to simply validate that the information contained on the last fully completed form is still accurate.

(g) *Exemptions.* Landowners and lessees whose total direct and indirect interest in a landholding on a westwide basis is 40 acres or less are exempt from the certification and reporting requirements.

(h) *District participation.* Each district shall be required to make the necessary blank certification and/or reporting forms available to district landholders and to keep the current certification and reporting forms on file and available for Bureau of Reclamation inspection. All superseded certificates and reports should be retained by the district for 3 years, and thereafter may be destroyed by the district, except that the last fully completed certification and reporting form (other than the verification form) must always be kept on file with the current verification form so that all the landowners' and lessees' land may be identified. Additionally, each district will be required to summarize the information contained on these documents and submit the summary to the Bureau of Reclamation annually. The summary

form to be used by the district will be provided by the Bureau of Reclamation. The district shall notify the Bureau of Reclamation of any discrepancies in the certification and reporting forms.

(i) *Auditing.* The Secretary will conduct field audits, as necessary, to ensure compliance with Reclamation law and these regulations.

(j) *False statements.* The following statement will be included in all certification and reporting forms:

Under the provisions of 18 U.S.C. 1001, it is a crime punishable by 5 years imprisonment or a fine of up to \$10,000, or both, for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement(s) as to any matter within the agency's jurisdiction.

False statements by the landowner or lessee will result also in loss of eligibility. Eligibility could only be regained upon the approval of the Secretary.

(k) *Failure to report.* Failure to submit the required certification or reporting form to the district will result in loss of eligibility to receive irrigation water by the individual landowner or lessee. Eligibility will be regained once the certification or reporting form is submitted to the district.

(l) *OMB approval.* The information collection requirements contained in this section have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance Nos. 1006-0004, 1006-0005, 1006-0006. The information is being collected to comply with sections 206, 224(c), and 228 of Public Law 97-293. These sections require that, as a condition to the receipt of irrigation water, each landowner and lessee in a contracting entity which is subject to the acreage limitation provisions of Reclamation law, as amended and supplemented by Public Law 97-293, will furnish to his or her district annually a certificate/report which indicates that he or she is in compliance with the provisions of Reclamation law. The information collected on each landholding will be summarized by the district and submitted to the Bureau in a form prescribed by the Secretary. Completion

of these forms is required to obtain the benefit of irrigation water.

(m) *Application of Privacy Act of 1974.* The information submitted in accordance with the certification and reporting requirement is subject to the provisions of the Privacy Act of 1974. As a condition to the execution of a contract, the Secretary shall require the inclusion of a standard contract article providing that the district agrees to comply with the Privacy Act of 1974 and 43 CFR part 2, subpart D, in maintaining the landholder certification and reporting forms.

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§ 426.11 Excess land.

(a) *In general.* As set forth in § 426.4(g), *excess land* means irrigable land, other than exempt land, owned in excess of a landowner's ownership entitlement under Reclamation law. In determining excess land, all irrigable land in all districts held by any landowner shall be considered. Delivery of irrigation water to excess lands is allowed only if any one of the following conditions applies: (1) The excess land has been placed under recordable contract by the landowner, or (2) the land was involuntarily acquired into excess status through inheritance, foreclosure, or other similar involuntary process.

(b) *Designation of nonexcess land.* The owner of excess land shall designate that portion of his or her irrigable land that is to be considered nonexcess, in accordance with the instructions on the certification and reporting forms. If a landowner does not make a designation on these forms, designation shall be in accordance with provisions in the district's repayment or water service contract, provided designation procedures are specified in the contract and the entire landholding is in one district.

(1) *Designation procedures when not established by contract.* If designation provisions are not specified in the district contract, the landowner must designate that portion of the land in the ownership which is to constitute the nonexcess entitlement within 30 days